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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/988,172 12/10/97 ABECASSIS

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EXAMINER

WM02/0523

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TRAN. T

ART UNIT

PAPER NUMBER

2615

DATE MAILED:

05/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No.

08/988,172

Applicant(s)

ABECASSIS, MAX

Examiner

Thai Tran

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2000.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 83-99 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 83-99 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. For any written or facsimile communication submitted on or after Oct. 1, 2000, the Examiner, who was assigned to Art Unit 2715, will be assigned to Art Unit 2615.

Please include the new Art unit in the caption or heading of any communication submitted after Oct. 1, 2000. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.

### ***Terminal Disclaimer***

2. The terminal disclaimer filed on Dec. 18, 2000 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 5,434,678 has been reviewed and is NOT accepted.

The application/patent which forms the basis for the double patenting rejection is not match with the patent identified in the terminal disclaimer.

### ***Double Patenting***

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 83-90 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 5,434,678 in view of Rodesch ('132) and Chamberlin et al ('575).

Regarding claim 83, claim 1 of U.S. Patent No. 5,434,678 recites memory means for storing a video program comprising a plurality of separately addressable video segments and video segment address information directly defining the plurality of separately addressable video segments. However claim 1 of U.S. Patent No. 5,434,678 does not specifically disclose that the memory means is a laser readable disc having at least one spiral track for use in conjunction with a playback apparatus having a random access capability and a plurality of control functions for selectively playing separately addressed video segments and at least one segment code, in addition to said address information, for preventing at least one of said control functions of said apparatus from interfering with a playing of at least one of said plurality of separately addressable video segments.

Rodesch teaches an optical video disk player having a random access capability and a plurality of control functions for selectively playing video signal recorded thereon (column 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the optical video disk player as taught by Rodesch into claim 1 of U.S. Patent No. 5,434,678 because the optical disk player of Rodesch has an advantage of no physical contact between the laser readable disc and the optical head and such advantage being desirable to increase the life time of the player.

The combination of claim 1 of U.S. Patent No. 5,434,678 and Rodesch does not specifically disclose at least one segment code, in addition to said address information, for preventing as least one of said control functions of said apparatus from interfering with a playing of at least one of the plurality of separately addressable video segments.

Chamberlin et al teach an apparatus for storing and forwarding voice signals with controlled access having segment code for preventing as least one of the control function of the apparatus from interfering with the playing of the voice signals (column 6, lines 43-66 and column 7, lines 43-59) for improving the control of access to stored signals.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the use of the addressee database as taught by Chamberlin et al into claim 1 of U.S. Patent No 5,434,678 in order to improve the control of access to stored signals (column 1, lines 6-11 of Chamberlin et al).

Regarding claim 84, the combination of claim 1 of U.S. Patent No. 5,434,678, Rodesch, and Chamberlin et al does not specifically disclose the claimed wherein the prevented control function is a segment skip function. Chamberlin et al teaches that the addressee may be inhibited from erasing the message, forwarding the message, saving the message, etc. (column 6, lines 43-66). It would have been obvious to one of ordinary skill in the art at the time of the invention to inhibit the segment skip function since it merely amounts to selecting different function.

Regarding claim 85, the combination of claim 1 of U.S. Patent No. 5,434,678, Rodesch, and Chamberlin et al does not specifically disclose the claimed wherein the

prevented control function is a fast-forward function. Chamberlin et al teaches that the addressee may be inhibited from erasing the message, forwarding the message, saving the message, etc. (column 6, lines 43-66). It would have been obvious to one of ordinary skill in the art at the time of the invention to inhibit the segment skip function since it merely amounts to selecting different function.

Regarding claim 86, the combination of claim 1 of U.S. Patent No. 5,434,678, Rodesch, and Chamberlin et al does not specifically disclose the claimed wherein said at least one segment code prevents at least one of said control functions from skipping a playing of a commercial included with said video program.

It is noted that the video signal having commercial is well known in the art and therefore Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate video signal having commercials into claim 1 of U.S. Patent No. 5,434,678 in order to select readily available video signal.

Furthermore, Chamberlin et al teaches that the addressee may be inhibited from erasing the message, forwarding the message, saving the message, etc.. It would have been obvious to one of ordinary skill in the art at the time of the invention to inhibit the skipping a playing of a commercial included with said video signal since it merely amounts to selecting different function.

Regarding claim 87, the combination of claim 1 of U.S. Patent No. 5,434,678, Rodesch, and Chamberlin et al does not specifically disclose the claimed wherein said

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at least one segment code prevents at least one of said control functions from fast-forward a playing of a commercial included with said video program.

It is noted that the video signal having commercial is well known in the art and therefore Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate video signal having commercials into claim 1 of U.S. Patent No. 5,434,678 in order to select readily available video signal.

Furthermore, Chamberlin et al teaches that the addressee may be inhibited from erasing the message, forwarding the message, saving the message, etc.. It would have been obvious to one of ordinary skill in the art at the time of the invention to inhibit the fast-forwarding a playing of a commercial included with said video signal since it merely amounts to selecting different function.

Claim 88 is rejected for the same reasons as discussed in claim 83 above and additionally the claimed a user interface particular to said video program for enabling a user to establish a content preference is recited in claim 1 of U.S. Patent No. 5,434,678.

Claim 89 is rejected for the same reasons as discussed in claim 86 above.

Claim 90 is rejected for the same reasons as discussed in claim 87 above.

5. Claims 91-99 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 5,434,678 in view of Rodesch ('132), Chamberlin et al ('575) and claims 11 and 15 of U.S. Patent No. 6,091,886.

Regarding claim 91, claim 1 of U.S. Patent No. 5,434,678, Rodesch and Chamberlin et al discloses all the features of the instant invention (see the rejection of claim 88 above) except for providing the claimed wherein said video segments for variably playing at least one scene of the video program are responsive to at a level of detail.

Claims 11 and 15 of U.S. Patent No. 6,091,886 that the video signal can be segments into plurality of level of detail.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate claims 11 and 15 of U.S. Patent No. 6,091,886 into claims 1 of U.S. Patent No. 5,434,678 in order to reduce the time in reproducing a version of the video signal and to segment the video signal into different levels.

Claim 92 is rejected for the same reasons as discussed in claim 91 above.

Regarding claim 93, claim 11 of U.S. Patent No. 6,091,886 additionally recites the claimed whereby said playback apparatus without requiring an alternative program code and said content preference, plays, by means of a processing, random accessing, and buffering, a seamless version of, and from within said video program, the playing seamlessly skipping over a retrieval of at least a portion of a parallel video segment included within the video program.

Regarding claim 94, the combination of claim 1 of U.S. Patent No. 5,434,678, Rodesch, Chamberlin et al and claims 11 and 15 of U.S. Patent No. 6,091,886 does not specifically disclose the claimed wherein the prevented control function is a segment skip function. Chamberlin et al teaches that the addressee may be inhibited from



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erasing the message, forwarding the message, saving the message, etc. (column 6, lines 43-66). It would have been obvious to one of ordinary skill in the art at the time of the invention to inhibit the segment skip function since it merely amounts to selecting different function.

Regarding claim 95, the combination of claim 1 of U.S. Patent No. 5,434,678, Rodesch, Chamberlin et al and claims 11 and 15 of U.S. Patent No. 6,091,886 does not specifically disclose the claimed wherein the prevented control function is a fast-forward function. Chamberlin et al teaches that the addressee may be inhibited from erasing the message, forwarding the message, saving the message, etc. (column 6, lines 43-66). It would have been obvious to one of ordinary skill in the art at the time of the invention to inhibit the segment skip function since it merely amounts to selecting different function.

Regarding claim 96, the combination of claim 1 of U.S. Patent No. 5,434,678, Rodesch, Chamberlin et al and claims 11 and 15 of U.S. Patent No. 6,091,886 does not specifically disclose the claimed wherein said at least one segment code prevents at least one of said control functions from skipping a playing of a commercial included with said video program.

It is noted that the video signal having commercial is well known in the art and therefore Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate video signal having commercials into claim 1 of U.S. Patent No. 5,434,678 in order to select readily available video signal.

Furthermore, Chamberlin et al teaches that the addressee may be inhibited from erasing the message, forwarding the message, saving the message, etc.. It would have been obvious to one of ordinary skill in the art at the time of the invention to inhibit the skipping a playing of a commercial included with said video signal since it merely amounts to selecting different function.

Claim 97 is rejected for the same reasons as discussed in claims 95-96 above.

Regarding claim 98, claim 15 of U.S. Patent No. 6,091,886 further recites the claimed wherein at least one set of parallel segments, included within said video program, provide for at least two versions of a scene with different levels of sex; and wherein at least another set of parallel segments, included within said video program, provide for at least two versions of another scene with different levels of violence.

Claim 99 is rejected for the same reasons as discussed in claim 98 above.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 83-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell Mayo Sasnett (the article "Reconfigurable Video") in view of Rodesch ('132) and Chamberlin et al ('575).

. Regarding claim 83, Russell Mayo Sasnett disclose a disc (page 32 of the article) for use in conjunction with a playback apparatus having random access

capability and a plurality of control functions for selectively playing separately addressed video segments, said disc comprising a plurality of separately addressable video segments (pages 41-46) and video segment address information directly defining the plurality of separately addressable video segments (pages 64-76). However Russell Mayo Sasnett does not specifically disclose that the memory means is a laser readable disc having at least one spiral track and at least one segment code, in addition to said address information, for preventing at least one of said control functions of said apparatus from interfering with a playing of at least one of said plurality of separately addressable video segments.

Rodesch teaches an optical video disk player having a random access capability and a plurality of control functions for selectively playing video signal recorded thereon (column 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the optical video disk player as taught by Rodesch into Russell Mayo Sasnett because the optical disk player of Rodesch has an advantage of no physical contact between the laser readable disc and the optical head and such advantage being desirable to increase the life time of the player.

The combination of Russell Mayo Sasnett and Rodesch does not specifically disclose at least one segment code, in addition to said address information, for preventing at least one of said control functions of said apparatus from interfering with a playing of at least one of the plurality of separately addressable video segments.

Chamberlin et al teach an apparatus for storing and forwarding voice signals with controlled access having segment code for preventing as least one of the control function of the apparatus from interfering with the playing of the voice signals (column 6, lines 43-66 and column 7, lines 43-59) for improving the control of access to stored signals.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the use of the addressee database as taught by Chamberlin et al into Russell Mayo Sasnett in order to improve the control of access to stored signals (column 1, lines 6-11 of Chamberlin et al).

Regarding claim 84, the combination of Russell Mayo Sasnett, Rodesch, and Chamberlin et al does not specifically disclose the claimed wherein the prevented control function is a segment skip function. Chamberlin et al teaches that the addressee may be inhibited from erasing the message, forwarding the message, saving the message, etc. (column 6, lines 43-66). It would have been obvious to one of ordinary skill in the art at the time of the invention to inhibit the segment skip function since it merely amounts to selecting different function.

Regarding claim 85, the combination of Russell Mayo Sasnett, Rodesch, and Chamberlin et al does not specifically disclose the claimed wherein the prevented control function is a fast-forward function. Chamberlin et al teaches that the addressee may be inhibited from erasing the message, forwarding the message, saving the message, etc. (column 6, lines 43-66). It would have been obvious to one of ordinary

skill in the art at the time of the invention to inhibit the segment skip function since it merely amounts to selecting different function.

Regarding claim 86, the combination of Russell Mayo Sasnett, Rodesch, and Chamberlin et al does not specifically disclose the claimed wherein said at least one segment code prevents at least one of said control functions from skipping a playing of a commercial included with said video program.

It is noted that the video signal having commercial is well known in the art and therefore Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate video signal having commercials into Russell Mayo Sasnett in order to select readily available video signal.

Furthermore, Chamberlin et al teaches that the addressee may be inhibited from erasing the message, forwarding the message, saving the message, etc.. It would have been obvious to one of ordinary skill in the art at the time of the invention to inhibit the skipping a playing of a commercial included with said video signal since it merely amounts to selecting different function.

Regarding claim 87, the combination of Russell Mayo Sasnett, Rodesch, and Chamberlin et al does not specifically disclose the claimed wherein said at least one segment code prevents at least one of said control functions from fast-forward a playing of a commercial included with said video program.

It is noted that the video signal having commercial is well known in the art and therefore Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate video signal having commercials into Russell Mayo Sasnett in order to select readily available video signal.

Furthermore, Chamberlin et al teaches that the addressee may be inhibited from erasing the message, forwarding the message, saving the message, etc.. It would have been obvious to one of ordinary skill in the art at the time of the invention to inhibit the fast-forwarding a playing of a commercial included with said video signal since it merely amounts to selecting different function.

Claim 88 is rejected for the same reasons as discussed in claim 83 above and additionally the claimed a user interface particular to said video program for enabling a user to establish a content preference is disclosed in pages 64-76 of Russell Mayo Sasnett.

Claim 89 is rejected for the same reasons as discussed in claim 86 above.

Claim 90 is rejected for the same reasons as discussed in claim 87 above.

Claim 91 is rejected for the same reasons as discussed in claim 83 above and additional the claimed wherein said video segments for variably playing at least one scene of the video program are responsive to at a level of detail is disclosed in pages 77-102 of Russell Mayo Sasnett.

Claim 92 is rejected for the same reasons as discussed in claim 91 above.

Claim 93 is rejected for the same reasons as discussed in claim 83 above and additional the claimed whereby said playback apparatus without requiring an alternative program code and said content preference, plays, by means of a processing, random

accessing, and buffering, a seamless version of, and from within said video program, the playing seamlessly skipping over a retrieval of at least a portion of a parallel video segment included within the video program is disclosed in page 32 of Russell Mayo Sasnett.

Regarding claim 94, the combination of Russell Mayo Sasnett, Rodesch, and Chamberlin et al does not specifically disclose the claimed wherein the prevented control function is a segment skip function. Chamberlin et al teaches that the addressee may be inhibited from erasing the message, forwarding the message, saving the message, etc. (column 6, lines 43-66). It would have been obvious to one of ordinary skill in the art at the time of the invention to inhibit the segment skip function since it merely amounts to selecting different function.

Regarding claim 95, the combination of Russell Mayo Sasnett, Rodesch, and Chamberlin et al does not specifically disclose the claimed wherein the prevented control function is a fast-forward function. Chamberlin et al teaches that the addressee may be inhibited from erasing the message, forwarding the message, saving the message, etc. (column 6, lines 43-66). It would have been obvious to one of ordinary skill in the art at the time of the invention to inhibit the segment skip function since it merely amounts to selecting different function.

Regarding claim 96, the combination of Russell Mayo Sasnett, Rodesch, and Chamberlin et al does not specifically disclose the claimed wherein said at least one segment code prevents at least one of said control functions from skipping a playing of a commercial included with said video program.

It is noted that the video signal having commercial is well known in the art and therefore Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate video signal having commercials Russell Mayo Sasnett in order to select readily available video signal.

Furthermore, Chamberlin et al teaches that the addressee may be inhibited from erasing the message, forwarding the message, saving the message, etc.. It would have been obvious to one of ordinary skill in the art at the time of the invention to inhibit the skipping a playing of a commercial included with said video signal since it merely amounts to selecting different function.

Claim 97 is rejected for the same reasons as discussed in claims 95-96 above.

Regarding claim 98, the combination of Russell Mayo Sasnett, Rodesch, and Chamberlin et al discloses all the features of the instant invention except for providing the claimed wherein at least one set of parallel segments, included within said video program, provide for at least two versions of a scene with different levels of sex; and wherein at least another set of parallel segments, included within said video program, provide for at least two versions of another scene with different levels of violence.

Russell Mayo Sasnett additional teaches that different scenes can be detected so that the video signal can be segmented. Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to detecting the scene of at least two version of a scene with different level of sex and at least two version of



another scene with different levels of violence in order to segment the video signal to different levels.

Claim 99 is rejected for the same reasons as discussed in claim 98 above.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6306 for regular communications and (703) 308-6306 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

TTQ  
May 20, 2001

  
THAI TRAN  
PRIMARY EXAMINER